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THE

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A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

August 1982

VOL. III, No. 15

LEGISLATIVE COUNCIL

Staff Salaries

At its June 25 meeting, the Council took the following action in relation to staff salaries. Salaries \$40,000 and over, 5% increase; \$30,000-\$40,000, 7%; 20,000-30,000, 8%; under \$20,000 a one step increase as on the executive pay matrix.

Cost of Renovating Old Prison

The Legislative mandate in Special Session #2, House Bills 11 and 13 to hire an independent consultant to estimate the cost of renovating the old prison was discussed at its July 28 meeting.

STATE DOCUMENTS COLLECTION

AUG - 2 1982

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The Council voted to prepare a proposal for bid to be mailed to all state architectural firms and to national firms with recognized expertise in penal institution design. The bids to do the study will be examined by the full Council in late September or early October. The consultant chosen must report by December 1, 1982, to the Council which will then report to the Legislature.

INTERIM SUBCOMMITTEES

BUSINESS

Forum on
Environmental
Regulations to
be held Oct. 4 & 5

The Subcommittee on Business met last on June 22, and decided to pursue further four general areas:
(a) reserved water rights; (b) capital gains taxation; (c) the EQC/Business Subcommittee Forum on Environmental Regulation and the Economy; and (d) general taxation.

PLEASE RETURN

SHELVED WITH
PERIODICALS

The EQC/Business Subcommittee Forum is scheduled for October 4 and 5 in Helena. The Subcommittee will meet in conjunction with the Forum on Oct. 6 in Helena.

EDUCATION

Meeting held
July 21

The Joint Subcommittee on Education met in Helena on July 21, 1982, for a work session. The committee heard from Steve Colberg, statistician for the Office of Public Instruction, on the options and costs involved in a Guaranteed Tax Base Program for equalizing the voted levy portion of school budgets. Such a program would guarantee a share of state aid to any district whose taxable valuation was below the state average taxable valuation. A recommendation on this proposal may be advanced at the next meeting.

Recommendations

The committee recommended a draft bill to further equalize school funding in the nonvoted levy area. The draft bill (LC 29) would eliminate the permissive school levy and increase the basic county equalization levy from 40 mills to 55 mills. This proposal would provide 100% equalization for the nonvoted portion of school district budgets and increase county equalization by \$7.2 million statewide.

The committee discussed two draft bills on equalization of county retirement levies and a bill that would require high schools under 100 students to apply for isolation status. The latter bill would reduce state aid to small high schools not designated as isolated. The committee accepted the reports on the aforementioned draft legislation but did not make any final recommendations. The committee plans to meet again in mid-August.

FISH AND GAME

Meeting set
for August 11

The Subcommittee on Fish and Game will hold its sixth meeting in Kalispell on August 11. The committee will continue to examine the license fee structure in Montana and the surrounding states. The committee will also review the requirements for outfitters in Montana.

F,W,& P Director
to outline options

Fish, Wildlife and Parks Department's director, Jim Flynn, will talk about options for the Miles City federal fish hatchery, license fee increases, and Region 1 operations.

The meeting is scheduled at the Outlaw Inn, beginning at 9:00 a.m.

HIGHWAYS

After hearing reports from the Legislative Auditor's staff on performance audits on Department of Highways Preconstruction and Construction activities and on State Motor Pool, the Joint Subcommittee on Highways on July 23:

Recommendations
Listed

1) Recommended establishment of five highway commissioner and financial districts to correspond with the Department of Highways' administrative districts.

2) Asked staff to work with the Department of Highways and the Legislative Auditor to draft amendments to allow the department to set a level of highway sufficiency ratings to determine apportionment of funds to the Primary System.

3) Approved a proposal for a permit system in lieu of special fuels taxes for vehicles under 6,000 pounds gross weight. This proposal becomes item number 8 of the nine-point financial package approved May 18.

4) Set a meeting for Friday, Aug. 27, at 10 a.m. when the committee will conclude its work.

HUMAN SERVICES

July 23 Meeting

The Subcommittee on Human Services met July 23 at Mountain View School in Helena. The Subcommittee received reports on:

- 1) The Plan to Improve Services to Montana's Emotionally Disturbed Children and Youth.
- 2) Persistent Status Offender Legislation.
- 3) A survey of the management of the Department of Institutions, and
- 4) A reorganization of youth services.

Next Meeting September 13

The Subcommittee will meet September 13 to finalize recommendations.

JUDICIARY

July 17 Meeting Held

The Judiciary Subcommittee met for the sixth time on July 17, 1982, to continue its studies on appellate delay, judicial redistricting, and the delivery of indigent defense and prosecutorial services in Montana. Committee action included:

Committee Actions

- 1) Endorsing the concept of granting the Montana Supreme Court the authority to limit appeals and requesting staff to prepare appropriate legislation for the committee's consideration;
- 2) Approving the creation of the Office of Public Defense Coordinator and requesting staff to further refine a bill draft creating the office;
- 3) Tabling a bill that would establish a statewide public defender system;

4) Reconsidering the committee's proposed judicial redistricting plan in favor of further study and modification of a proposal submitted by District Court Judge Alfred Coat;

5) Requesting staff to study the possibility of incorporating a checklist into the Montana statutes that would assist judges, prosecutors, and defense attorneys in prosecuting criminal cases; and

6) Requesting staff to draft legislation requiring the state to assume more of the costs of providing prosecutorial services in Montana.

Next Meeting
Sept. 25

The next Judiciary Subcommittee meeting is tentatively scheduled for Saturday, September 25, 1982.

TRANSPORTATION

"Should the trucking industry be deregulated or reregulated?" is the question to be considered by the Joint Subcommittee on Transportation at its meeting in Room 104 of the Capitol at 8:30 a.m., Friday, August 6.

Next Meeting
August 6

Presentations will be made by Wayne Budt, administrator of the Transportation, Division of the Public Service Commission; James Paine, Consumer Counsel; and representatives of shippers and motor carriers.

COAL TAX OVERSIGHT COMMITTEE

July 20 Meeting
Held

The Coal Tax Oversight Subcommittee met in Helena on July 20, 1982 to discuss tentative recommendations to be submitted to the Forty-eighth Legislature. The Subcommittee instructed staff to prepare a draft final report that will include the following recommendations:

Tentative
Recommendations

- 1) Reemphasized the desirability of leaving the 50% allocation to the Constitutional Trust Fund intact;
- 2) Pass a bill that allocates to the general fund 85% of the interest earnings from the Constitutional Trust Fund;
- 3) Encourage use for highway maintenance and operations coal tax collections that are deposited to the General Fund;
- 4) Reallocate to postsecondary vocational-technical centers that portion of interest earnings (10%) that is being reinvested in the Educational Trust Fund. This would be done on a five year trial basis;
- 5) Place a cap of \$15 million dollars on the Parks and Cultural Trust Fund. After the fund reaches \$15 million, collections would then flow to the general fund;
- 6) Allow Parks Trust Fund interest earnings to be used for maintenance and operation of all state parks but do not use the interest earnings for additional park acquisitions;
- 7) Eliminate earmarking of coal severance taxes for the county land planning and alternative energy programs. This would be effective June 30, 1985;
- 8) Allow the Coal Board to make loans under limited circumstances and allow the Board to carry over funds and interest earnings from one year to the next.

Legislators who have comments, suggestions, or questions about the tentative recommendations are encouraged to contact the subcommittee staff at 449-3064.

The next meeting of the Subcommittee is tentatively scheduled for November.

MEETING IN BEACH, NORTH DAKOTA

North Dakota
Legislature
Studies Impacts

The North Dakota Legislature has appointed an interim study committee to look at the impacts of Tenaco's Beach-Wibaux coal gasification project. The Committee is charged with the responsibility of opening a dialogue with Montana officials on the nature of the project and its impacts. The North Dakota Committee plans to meet for the second time to discuss the impact of this project on North Dakota. The Committee will meet on Monday, August 2, 1982 in Beach, North Dakota at the 10th Hole Restaurant. The meeting will begin at 9:30 a.m. Montana legislators are invited to attend. The Coal Tax Oversight Subcommittee staff has been directed to attend the meeting and report on the actions and directions of the North Dakota Committee as they concern Montana.

Wants Dialogue
with Montana

ADMINISTRATIVE CODE COMMITTEE

July 28 Meeting
Held

The Administrative Code Committee met on Tuesday, July 28 to review three issues of the Montana Administrative Register, several staff reports, and legislation relating the rulemaking introduced in the 1981 Legislature, which failed to become law. The Committee reviewed Issues 10, 11, and 12 of the 1982 MAR and heard testimony on a rule adopted by the Board of Realty Regulation, over the Committee's objection, which allows real estate brokers to keep the interest paid by banks on interest bearing trust accounts established for protection of earnest money payments. The Committee reviewed several bills, introduced in the 1981 Legislature, amending the statute allowing the Committee to

Draft Bill
requested for
statements of
estimated
economic impacts

request the preparation of statements of the estimated economic impact to be caused by proposed rules of executive branch agencies, and asked the Committee staff to prepare a similar bill. The Committee also received staff reports comparing provisions of the Montana Administrative Procedure Act with those of the Model State Administrative Procedure Act, reporting on sections of law mandating the adoption of rules but for which no rules have been adopted, and current efforts to familiarize freshman legislators and agency personnel with the subject of rulemaking.

LEGISLATIVE AUDIT COMMITTEE

Legislative Audit
Committee Meeting

The Legislative Audit Committee, consisting of Senators Matt Himsl, Chet Blaylock, Steve Brown, and Frank Hazelbaker; Representatives Kathleen McBride, Robert Anderson, Jim Burnett, and Steve Waldron, will tentatively meet September 13, 1982, in Room 135 of the State Capitol.

Financial/
Compliance Audits

The committee will receive and review the following financial/compliance audit reports:

Department of Justice
Montana State University
University of Montana
Northern Montana College

Sunset Reports

Hearings will be held on the following reports:

Board of Milk Control
Public Service Commission and the
Department of Public Service Regulation

Report Available

Copies of all reports are available from the Office of the Legislative Auditor, Room 135, State Capitol, telephone 449-3122.

ENVIRONMENTAL QUALITY COUNCIL

The Environmental Quality Council held a meeting June 18 to review current EQC projects and issues, and to assess accomplishments and future priorities. Specific topics discussed included the Montana Ground Water Conference proceedings, a presentation from representatives of the Triangle Conservation District on saline seep, the annual report, and various administrative items.

Next Meeting
August 30

The next scheduled meeting of the Council will be Monday, August 30. Agenda items include reports from subcommittees, a staff report on noxious weeds, and preliminary discussion of budgets and staffing. Also on the agenda will be a joint session with the Water Resources Oversight Committee (cosponsor of the Ground Water Conference) to review existing ground water statutes and rules, hear recommendations from agencies involved in ground water regulation, and follow up on recommendations arising from the Ground Water Conference for possible legislative action.

Hard-Rock Mining
Subcommittee

On July 8 and 9, the EQC Hard-Rock Mining Subcommittee, chaired by Rep. Dave Brown (D-Butte), met to discuss taxation of the hard-rock mining industry in Montana and other western states. The meeting concentrated on a report produced by Robert Davidoff of the U.S. Bureau of Mines, Minerals Availability Office, in Denver. The report included a computer assisted analysis of the tax treatment of mining in eight western states.

Bureau of Mines
Report Available

The Subcommittee is using the Bureau's report in an effort to attain a general understanding of interstate taxation comparisons for hard-rock mining activities. The Bureau's Report is available upon request.

The next meeting of the Hard-Rock Mining Subcommittee will be Tuesday, August 31st, in Helena.

For more detailed information on activities of the EQC, watch for the August issue of EQComments or contact the EQC office.

DISTRICTING AND APPORTIONMENT COMMITTEE

Two Public Hearings Held

The Districting and Apportionment Commission held two public hearings during the month of July, one in Kalispell on July 15 and the other in Helena on July 16. The Commission took action on the districts at its work session in Helena. In the Flathead County area, the Commission adopted the 200 series plan, tentatively setting 13 districts in Flathead, Lake, Lincoln, Mineral, and Sanders Counties. The Commission adopted the alternative proposal in Lincoln County, creating a Libby district and a rural district. (Eureka and Troy constitute the rural district under this plan.)

Gallatin County Area

At the Helena hearing, Jefferson County residents spoke in strong opposition to the plan adopted by the Commission at its Bozeman hearing in June. Once again a delegation from Gallatin County spoke in support of the Johnson-Marchwick plan, developed by two Bozeman residents. The Commission acted by adopting Plan A for Madison, Beaverhead, Gallatin, and Jefferson Counties. Under this plan, the Gallatin Canyon is placed in the Madison County district, Beaverhead County is a district alone, Gallatin County contains five other districts, and Jefferson County is left intact, combining western Broadwater County with it.

Musselshell River Area

The Commission also took action on the districts along the Musselshell River,

where Musselshell, Golden Valley, and Wheatland Counties will remain as a district, as will the combination of Meagher County, eastern Broadwater County, and the Belt, Monarch, and Neihart area of Cascade County.

Lewis & Clark
County Area

The Commission postponed the full Lewis and Clark County hearing until a later date, since the county's residents had not been given adequate notice of the alternatives to be considered.

Other Hearings
To Be
Announced

Hearings for Missoula, Great Falls, and Helena will be announced in the next issue of the Interim.

A schedule of the Commission's hearings in August in eastern Montana follows:

Billings, Monday, August 16, 9:00 a.m.
Petro East-West Room, Student Union
Building, Eastern Montana College

Glendive, Tuesday, August 17, 2:00 p.m.
Community Room of the County Courthouse

Wolf Point, Wednesday, August 18,
2:00 p.m., Elks Club

Havre, Thursday, August 19, 10:00 a.m.
Ballroom, Northern Montana College

Work Session

Following the hearing in Havre, the Commission will hold its work session. At that time the Commission will take action on the districts discussed at the hearings.

MONTANA SALARY COMMISSION

First Meeting
Scheduled for
Sept. 14 in
Helena

The first meeting of the Montana Salary Commission is scheduled for Tuesday, September 14, in Room 104 of the Capitol.

Members include Chairman Milton Datsopoulos, Missoula; Yvonne Bradford, Missoula; John Hoyt, Great Falls; Carlyle D. Leeds, Sr., Havre; Carolyn

E. Morrison, Lewistown; Robert T. Stevens, Bozeman; Maurice Evans, Billings; and Deborah L. Hanson, Miles City.

TASK FORCE ON CORRECTIONS

Two Meetings
Held in July

The Task Force on Corrections has met twice in July. At the first meeting, Rep. Bob Thoft was selected as chairman and Senator Paul Boylan as vice-chairman. The second meeting consisted of a public hearing in Deer Lodge and a surprise visit to the Women's Prison in Warm Springs. The Deer Lodge hearing demonstrated public support for the prison in Deer Lodge and for improved security and programs at the prison. Task Force members were very favorably impressed with all they saw and heard at the Women's Prison; a hearing on the Women's Prison itself will be held in the fall.

Next Meeting
August 5

The next meeting of the Task Force will be August 5 at 9 a.m. in Room 104 of the Capitol. The group has invited several judges and members of the now defunct Prison Alternatives Committee to share their observations on the corrections system.

SJR 34 COMMITTEE

Series of
Public Meetings

Recommendations for resolving the licensing issues being investigated under SJR 34 are being developed by study groups representing providers, consumers, and governmental agencies. Along with these study group sessions, interested persons are being invited to participate through a series of public meetings of the Montana Health Systems Agency (a private, nonprofit agency funded under the national health planning law). The meeting schedule is:

August 2, Great Falls, 7:00 p.m.
Blue Cross Building

August 5, Helena, 7:00 p.m.
Coach House East

August 10, Miles City, 10:00 a.m.
VA Hospital Auditorium

August 11, Billings, 10:00 a.m.
First Northwestern Bank

August 11, Missoula, 7:00 p.m.
Montana Power Building

Questions about these meetings should be addressed to the Bureau of Health Planning and Resource Development, Department of Health and Environmental Sciences, Helena (449-3121).

LEGISLATIVE INTERIM CALENDAR

AUGUST

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

1	2	3	4	5 CORRECTIONS TASK FORCE RM 104 9 am	6 TRANSPORTATION RM 104 8:30 am	7 TRANSPORTATION RM 104
8	9	10	11 FISH, & WILDLIFE, & PARKS KalisPELL Outlaw Inn 9:00 am	12 BILL DRAFTING SEMINAR 8am-noon SRS Auditorium	13	14
15	16 D&A PUBLIC HEARING Billings 9:00 am	17 D&A PUBLIC HEARING Glendive 2:00 pm	18 D&A PUBLIC HEARING Wolf Point 2:00 pm	19 D&A PUBLIC HEARING Havre 10:00 am	20	21
22	23 Council of State Governments Annual Meeting Park City Utah	24	25	26	27 HIGHWAYS RM 104 10 am	28
29	30 EQC RM 104	31 HARD ROCK MINING RM 104				

LEGISLATIVE INTERIM CALENDAR

SEPTEMBER

SATURDAY

FRIDAY

THURSDAY

WEDNESDAY

TUESDAY

MONDAY

SUNDAY

			1	2	3	4
5	6	7	8	9	10 REVENUE OVERSIGHT RM 104	11
12	13 HUMAN SERVICES RM 104	14 MONTANA SALARY COMM. RM 104 10:30 am	15	16	17	18
19	20	21	22	23	24	25 JUDICIARY RM 104 10 am
26	27	28	29	30		

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